

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Brodkorb,

File No. _____ () / ()

Plaintiff,

v.

NOTICE OF REMOVAL

State of Minnesota, the
Minnesota Senate, and Cal
Ludeman, individually,

Defendants.

To: Clerk of Court, United States District Court, District of Minnesota, 708 Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101.

Plaintiff Michael Brodkorb through his attorneys Philip G. Villaume, Villaume & Schiek, P.A., BLN Office Park, 2051 Killebrew Drive, Bloomington, MN 55424; and Gregory J. Walsh, Walsh & Gaertner, P.A., Walsh & Gaertner Bldg., 24 East Fourth Street, St. Paul, MN 55101.

PLEASE TAKE NOTICE that Defendants the Minnesota Senate ("Senate"), a constitutional corporation and agency of the State of Minnesota, and Cal Ludeman ("Ludeman") hereby remove this action to the United States District Court for the District of Minnesota. The grounds for removal include the following:

1. Plaintiff Michael Brodkorb has set forth his claims against Defendants in a Complaint captioned in the Second Judicial District, Ramsey County, State of Minnesota, a true and correct copy of which is attached hereto as Exhibit A. The attached Summons and Complaint constitute all process,

pleadings, and orders that the Senate and Ludeman have received in this action.

2. The Senate and Ludeman were personally served with a copy of the Summons and Complaint through their undersigned counsel on July 23, 2012.
3. Plaintiff is a citizen of the State of Minnesota.
4. The Senate is an entity of the legislative branch of government of the State of Minnesota and operating in the City of St. Paul, County of Ramsey, State of Minnesota.
5. Cal Ludeman, in his individual capacity, is a resident of the City of Tracy, County of Lyon, State of Minnesota.
6. This action is a civil action over which this Court has original jurisdiction, pursuant to 28 U.S.C. §§ 1331 and 1337, because the dispute involves a federal question. Specifically, Plaintiff pleads claims pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 2000(e). Thus, removal is proper under 28 U.S.C. § 1441(a) and (c).
7. This civil action may be removed to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. § 1441(a).
8. Furthermore, “[i]n any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action with such original

jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367.

Accordingly, pursuant to 28 U.S.C. § 1441(c), this Court has supplemental jurisdiction to determine Plaintiff’s remaining state law claim under the Minnesota Human Rights Act and the claim under the St. Paul ordinance because they are part of the same controversy as the federal question claim and derive from a common set of facts.

9. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the suit could be filed is located in this District.
10. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the receipt by Defendants of the Summons and Complaint in the Minnesota state court proceeding.

Written notice of the filing of this Notice will be given to all other parties, as provided by law, and a copy of this Notice will be filed with the Court Administrator in the Second Judicial District of Ramsey County, Minnesota.

Defendants expressly reserve the right to raise all defenses and objections to Plaintiff’s purported claims or to otherwise plead in this action.

WHEREFORE, Defendants hereby remove this case from the state court to the United States District Court for the District of Minnesota, and request that this Court enter such further orders as may be necessary and appropriate.

Dated: August 9, 2012



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